

**REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of August 11, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

**Claim Rejections – 35 USC § 103**

Claims 1, 7, 8, 12, 13, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of U.S. Published Patent Application 2003/0144867 to Campbell, *et al.* (hereinafter Campbell), and further in view of U.S. Published Patent Application 2002/0133456 to Lancaster, *et al.* (hereinafter Lancaster).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. Applicants have cancelled Claims 2-6 and 9-23. However, Applicants are not conceding that the remaining claims as originally formulated or the cancelled claims fail to present patentable subject matter. The amendments and cancellations are solely for the purpose of expediting prosecution. Accordingly, neither the amendments nor cancellations should be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

*Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for re-accommodating passengers who are unable to travel on scheduled flights by an airline.

The method can include identifying passengers who must be re-accommodated; and for each identified passenger, obtaining passenger data and flight operations data. The passenger data can include frequent flyer status, remaining unflown ticket value, rebooking cost, passenger lifetime value, and customer relationship management data. The flight operations data can include flight schedule and seat availability on the airline and competitor airlines. See, e.g., Specification, paragraphs [0015], [0016], and [0020].

The method also can include processing the passenger data and the flight operations data based on a set of rules; displaying re-accommodation candidates as a result of the processing; and selecting passengers for re-accommodation from the re-accommodation candidates. The set of rules can include one or more rules for arranging the identified passengers according to a descending revenue impact to the airline, arranging the identified passengers according to passenger frequent flyer status, and/or arranging the identified passengers according to a lifetime value of each passenger. The processing should be completed in a timely fashion in order to avoid additional costs including meal and hotel accommodation cost. See, e.g., Specification, paragraphs [0019] and [0020].

*The Claims Define Over The Prior Art*

It was asserted in paragraph 6 on page 2 of the Office Action that regarding the "remaining unflown ticket value", Slivka, in paragraph [0037], discloses using the "actual

"fare amount" of the disputed passenger, or barring the availability of that information, calculating that amount.

Paragraph [0037] of Slivka reads:

*[0037] Once the flight, seat, and PNR information is collected, re-accommodation driver 111 may determine a PNR value for a disrupted passenger (Step 225). In one aspect of the invention, re-accommodation driver 111 may determine a PNR value for the disrupted passenger by invoking instructions included in rules engine 113 that, when executed by a processor, determine a PNR value based on one or more rules associated with the disrupted flight and/or passenger. For example, the PNR value may be based, in part, from an actual fare amount the disrupted passenger previously paid for the disrupted flight. Fare amounts, however, are not always easily obtainable from PNR information because they may be located in multiple locations and formats in a PNR. Moreover, fare amounts may not even be found in a PNR. Accordingly, in some instances it may be difficult to assess the exact amount of a given segment of an itinerary associated with the disrupted flight because it might be a prorated value of a larger itinerary. Furthermore, reservations received, ticketed, and/or processed from an external source may not contain any fare information. Therefore, rules engine 113 may provide a set of instructions, that when executed by a processor, determines an equitable fare amount for each booking class affected by the disrupted flight in order to determine a PNR value for each disrupted passenger.*

It is noted that in Slivka the "actual fare amount" refers to the fare amount the disrupted passenger previously paid for the disrupted flight. In contrast, in the present invention, the "remaining unflown ticket value" refers to the ticket value for the remaining unflown flight (the flight that has not taken place and is to be re-scheduled), not the disrupted flight.

It was also asserted in paragraph 7 on page 2 of the Office Action that regarding "a rebooking cost", Slivka, in paragraph [0015] discloses the desire to reduce the costs of rebooking on another airline, but does not specifically disclose that amount. It was then asserted that Lancaster, in paragraphs [0190]-[0191] discloses using the "... fees associated with cancellation/rebooks".

Paragraph [0191] of Lancaster reads:

[0191] At 14 days prior to departure, the actual seat allocation by the purchaser is known both in the traditional approach and the derivative product approach; assume the purchaser wishes to use 20 seats out of the 35 block. In the traditional approach, the purchaser would pay AD \$9000.00 (negotiated price (\$450) \* number of seats (20)). In the derivative product approach, the purchaser exercises 20 of the options. AD allocates an additional 3 seats (6 segments) incurring an additional CRS fee of \$21.00. The purchaser pays AD \$8300.00 (price under option (\$415) \* number of seats (20)). AD nets \$8279.00. It should also be noted that the traditional approach does not take into account the spoilage risk of the 15 seats returned to AD by the purchaser nor the additional CRS fees associated with cancellation/rebooks.

Lancaster discloses a method of trading an airline fare product comprising providing a derivative product wherein the derivative product is based on a forward contract for the purchase of at least one airline fare product, and at least one of selling, trading, and executing the derivative product. It is noted that the subject matter of Lancaster has nothing to do with the subject matter of the present invention, namely re-accommodating passengers who are unable to travel on scheduled flights by an airline. It is also noted that it is stated in paragraph [0191] of Lancaster that the fees associated with cancellation/rebooks are not taken into account in the traditional approach.

It was further asserted in paragraph 8 on page 2 of the Office Action that regarding "a passenger lifetime value", Slivka, in paragraph [0014] discloses a "determined business value of the passenger"; paragraph [0015] discloses "an overall value of the passenger's aggregate business"; and paragraph [0035] discloses a passenger history including "a number of flights a passenger has purchased on a particular carrier over a period of time (i.e., frequent flier information)" and "the average cost of the passenger's travel history".

Paragraph [0014] of Slivka discloses: "This process assesses an origin-destination and ancillary commodity impact of an operational schedule change with respect to a travel service provider (e.g., airline, travel agent service, tour service, etc.) and a determined business value of the passenger." Paragraph [0015] of Slivka discloses: "In one aspect of the invention, a disrupted passenger may be re-accommodated based on an overall value of the passenger's aggregate business compared to other passengers on a same disrupted travel service (e.g., flight)."

Clearly, in Slivka "a determined business value of the passenger" and "an overall value of the passenger's aggregate business" refer to the business value of the passenger to a specific flight (the disrupted flight), not the passenger lifetime value to a specific airline in the sense of the present invention.

Paragraph [0035] of Slivka reads:

*[0035] In one configuration consistent with certain principles related to the present invention, passenger history, behavior, and profile databases (not shown) may be used to establish an overall ranking of a disrupted passenger. These databases may be maintained by individual travel service providers (i.e., carriers), and thus, may vary based on the business practices of each individual carrier. These database may include passenger information that may not be located in passenger database 120 (at least originally). The additional passenger information may include, but is not limited to, a number of flights a passenger has purchased on a particular carrier over a period of time (i.e., frequent flier information), the personal profile status of the passenger, and the average cost of the passenger's travel history. One skilled in the art would realize that other types of passenger information may be maintained in these and other databases, and the present invention is not limited to the above examples.*

Although Slivka mentions frequent flier information and the average cost of the passenger's travel history, it is noted that "a passenger lifetime value" in the sense of the present invention is a much more complex concept and takes into consideration of other factors besides the frequent flier information and the average cost of the passenger's

travel history. In addition, it is noted that in the present invention, the passenger lifetime value is used both as part of the passenger data and as a rule for arranging the identified passengers.

It was additionally asserted in paragraph 9 on page 3 of the Office Action that regarding "customer relationship management data", although Slivka does not specifically disclose the words "customer relationship management data", Campbell, in at least paragraphs [0046] and [0050] does.

As already discussed in the previous response, the purpose of the Campbell system is to make travel reservations (not limited to flight), not to make flight re-accommodations. The subject matter of Campbell is thus not analogous to the subject matter of the present invention, namely re-accommodating passengers who are unable to travel on scheduled flights by an airline, because they are not in the same field of effort. The system of Campbell also would not be appropriate for flight re-accommodation because the Campbell system incorporates large amount of information that is not needed for flight re-accommodation and thus slows down the processing time which is critical in making flight re-accommodations. Applicants, therefore, believe that a person skilled in the art when encountering the problem of re-accommodating passengers who are unable to travel on scheduled flights would not have considered, without reading the present invention, using the customer relationship management data, which is usually a very large database, from a global reservation system to a system for re-accommodating flight passengers in a timely fashion.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features,

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Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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Date: September 22, 2008

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